



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



REPLY TO THE ATTENTION OF:

C-14J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

CONFIDENTIAL AND INADMISSIBLE  
SETTLEMENT COMMUNICATION

January 30, 2001

Charles M. Meyer, Esq.  
Santen & Hughes  
312 Walnut Street, Suite 3100  
Cincinnati, OH 45202

Re: Skinner Landfill, West Chester, Ohio

Dear Mr. Meyer:

The United States Environmental Protection Agency (U.S. EPA) has contacted Acme Wrecking in the past regarding activities connected with the Skinner Landfill in West Chester, Ohio (Site). Most recently U.S. EPA sent Michael Leik, formerly an associate with your firm, a letter dated November 8, 2000, inviting Acme to discuss a settlement of U.S. EPA's claims against Acme related to this Superfund Site. The U.S. EPA believes that Acme is responsible for costs the government has incurred at this Site.

As stated in my previous letter, the approximate total response costs incurred at the Site by U.S. EPA through May 31, 2000, total \$4,343,479, excluding Department of Justice costs. Section 107(a) of CERCLA provides that PRPs are jointly and severally liable for all costs incurred by U.S. EPA at a Superfund site, meaning any one party may be liable for all response costs.

My previous letter offered Acme the opportunity to engage in settlement discussions to resolve U.S. EPA's claims against Acme related to the Site. As I explained in that letter, in order to begin settlement discussions and determine an appropriate settlement amount, Acme must turn over to U.S. EPA the Allocator's findings from the ADR proceeding in The DOW Chemical Co., et al. v. Acme Wrecking Co. Inc., et al., (No. C-1-97-0307).

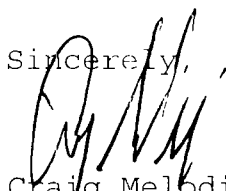
I requested that Acme respond to this invitation to discuss settlement options no later than November 22, 2000. To date U.S. EPA has not received this information.

By letter dated November 28, 2000, you informed me that Mr. Leik was no longer an associate at your firm, and requested that I contact you to discuss the possibility of settlement. I have since attempted to contact you by telephone and left messages but have not been able to reach you.

Further delay in addressing U.S. EPA claims is not possible. While U.S. EPA is still willing to discuss the possibility of a settlement with Acme, it must comply with U.S. EPA's request that Acme release the Allocator's findings. This will allow Acme to negotiate a settlement of U.S. EPA's claims against it related to the Site, and the opportunity to reach a global settlement that would also release Acme from the contribution action in DOW Chemical v. Acme Wrecking. While the terms of the settlement will have to be agreed upon by all parties, including the Plaintiffs in the contribution action, the goal is to reach a global settlement structured along the lines of the Remedial Action Consent Decree for the Site, where all of the money from a settlement would go into the Skinner Landfill Special Account. A portion of that money would be used to fund the Remedial Action at the Site and a portion would go to reimburse the United States its response costs. The opportunity to settle this matter, therefore, will save your client the time and expense of twice litigating its liability at the Site.

If Acme is not interested in discussing settlement options, then U.S. EPA will pursue its claims against Acme, including issuing information requests pursuant to Section 104(e) of CERCLA, seeking any information pertaining to Acme's connection to the Skinner Landfill. If Acme is interested in pursuing a settlement, please immediately forward the documents requested in my November 8<sup>th</sup> letter. I may be reached at (312) 353-8870 should you have any questions.

Sincerely,



Craig Melodia  
Assistant Regional Counsel

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- Complete items 3, 4a, and 4b.
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Charles M. Meyer Esq.  
Banten & Hughes  
312 Walnut Street  
Ste 3100  
Cincinnati, OH 45202

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